

IN THE HIGH COURT OF JUDICATURE, ANDHRA
PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF FEBRUARY
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
and
THE HON'BLE SRI JUSTICE NOOTY
RAMAMOHANA RAO

Writ Petition No.25044 of 2006

Between:

S.Nizamohiddin.

.....
PETITIONER

AND

**1.The Hon'ble High Court of Andhra Pradesh,
rep. by its Registrar (Administration),
High Court Buldings, Hyderabad, and 4 others.**

.....**RESPONDENTS**

The Hon'ble Sri Justice Bilal Nazki
and
The Hon'ble Sri Justice Nooty
Ramamohana Rao

Writ Petition No.25044 of 2006

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Order: *(Per Hon'ble Sri Justice Bilal Nazki)*

The writ petitioner's service was
terminated by the second respondent-District
Judge, Kadapa *vide* order dated 08-11-2005.

The order terminating the petitioner's service was passed without issuing prior notice to the petitioner and during the hearing and after considering the counter-affidavit, it has come to our notice that immediately thereafter, a notification for filling up the post vacated by the petitioner was issued and within a month, the fifth respondent was appointed to the said post.

It is stated by the learned Counsel for the petitioner that after the petitioner was terminated and after re-advertisement of the post was given, the petitioner also applied, but, he was not considered in view of the termination order having passed against him.

In the counter-affidavit, the second respondent-District Judge, Kadapa has stated as under:

'The writ petitioner herein is one among the said applicants. He was originally appointed as Clerk-cum-Typist on consolidated pay previously and as his services were terminated on the report of the Senior Civil Judge, Rajampet, his

name was not considered.'

The impugned order, which was passed by way of punishment on the report of the fourth respondent-Additional Senior Civil Judge, Rajampet, vested the petitioner with civil consequences and it created a stigma for future against the petitioner. It is also evident from the decision of the second respondent-District Judge, Kadapa, who did not consider the petitioner subsequently for appointment. Although it is a fact that the petitioner had been appointed on contractual basis and his services could be terminated by one month's notice, he could not be terminated by way of punishment.

The fifth respondent was appointed on contractual basis for a period of one year. Notice had been given to the fifth respondent, but, he did not appear either in person or through an Advocate. We are told at the bar that his term has ended on 19-01-2007, and as such, the post is vacant.

The petitioner cannot be put back to

service because he had been appointed only for a period of one year and his appointment was contractual, but, this Court can remove the stigma attached to the impugned order passed by the second respondent.

Therefore, we allow this Writ Petition and set aside the impugned order to the extent that the impugned order should not be construed against the petitioner for any purpose, in case, the petitioner seeks appointment in future any where in the State. In the meantime, if the respondents intend to fill up the vacancy again, they shall call up fresh applications and if the petitioner applies, he shall also be considered along with the other candidates. No costs.

(Bilal Nazki, J)
6th February, 2007

(Nooty Ramamohana Rao, J)

Note:
Furnish Certified Copy
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B/o
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